

REMARKS

Claims 1, 2, 4-7 and 9-12 are pending in the case. These claims stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,716,158.

Applicants had previously filed a Terminal Disclaimer to address this ground for rejection on September 27, 2007. However, this Terminal Disclaimer was not accepted because of an apparent lack of Power of Attorney. Accordingly, Applicants submit herewith a replacement Terminal Disclaimer, along with a fully executed Power of Attorney and Statement Under 37 CFR 3.73(b).

No other issues regarding patentability were raised in the Final Office Action. Accordingly, allowance of this case is respectfully requested.


SUMMARY

Should the Examiner believe that prosecution of this application might be expedited by further discussion of any remaining issue, the Examiner is cordially invited to contact the undersigned representative for the Applicants by phone at (619) 230-7714 or by email at laxford@gordonrees.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: January 8, 2008

By: 
Laurie A. Axford
Registration No. 35,053

**Please recognize our Customer Number 27111
as our correspondence address.**

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (619) 696-6700
Facsimile: (619) 696-7124
Attorney Docket No. XMAR-1035062